

DEFINING TRESPASS ON COAL LAND

DECEMBER 20, 1924.—Referred to the House Calendar and ordered to be printed

Mr. SINNOTT, from the Committee on the Public Lands, submitted the following

REPORT

[To accompany H. R. 6713]

The Committee on the Public Lands, to whom was referred H. R. 6713, to define trespass on coal land of the United States and to provide a penalty therefor, having considered the same, report it to the House with the recommendation that it do pass without amendment.

This bill was proposed by the Department of the Interior, and the reasons for its enactment are fully explained in a letter of December 29, 1923, from the Secretary of the Interior, which letter is herein set out in full for the information of the House, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 29, 1923.

HON. NICHOLAS J. SINNOTT,
*Chairman of the Committee on the Public Lands,
House of Representatives.*

MY DEAR MR. SINNOTT: I have the honor to inclose herewith draft of a proposed bill entitled "A bill to define trespass on coal lands of the United States and to provide a penalty therefor."

The measure submitted is in line practically with section 49 of the Federal Penal Code (35 Stat. L. 1098), fixing a penalty for timber depredations on the public lands of the United States. It may be that the courts would hold that criminal proceedings would lie for coal trespass, in the absence of a specific statute providing a penalty therefor, but the question is of too serious consequence, both in the matter of protecting our public domain and in Federal administration, to leave it for determination to the uncertain result of such proceedings under the law as it now stands.

The necessity for legislative action as now proposed will be appreciated when it is understood that in our coal fields, especially where mining operations are prosecuted upon a comparatively small scale, by those who have either bought coal land of the United States, paying the appraised price therefor, or are holding under lease authorized by the general leasing act of February 25, 1920 (41 Stat. L. 437), for which privilege a royalty is paid to the Government, the operations of coal trespassers are a serious menace to the local market which the legitimate operators would otherwise enjoy.

There is no justification of fuel necessity on the part of coal trespassers, for under the terms of section 8 of the leasing law, supra, ample provision is made

for permits to individuals or associations, without rent or royalty, to mine coal to supply their local domestic needs for fuel, but not for barter or sale.

The prevention of coal trespass on our public lands is not only, then, a matter of protecting the property of the United States from unlawful appropriation, but a duty as well we owe to those persons who, on the invitation of the Government, have invested their money and business energy in the production of coal.

For the reasons assigned herein I should be pleased to have this bill presented to Congress for its consideration, if such course meets with your approval.

Very truly yours,

HUBERT WORK, *Secretary.*

